

AO 91 (Rev. 08/09) Criminal Complaint

United States District Court
Southern District of Texas
FILED

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

MAR 24 2015

David L. Murphy, Clerk

United States of America
v.
Jose Antonio LOPEZ - USC
YOB: 1985Case No. **M-15-0429-M**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 11, 2014 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:*Code Section*
18 U.S.C. 922(g)(1)*Offense Description*
Title 18 U.S.C. 922 (g) (1): Unlawful to possess a firearm that had previously traveled in and affected interstate commerce while being a felon previously convicted of a crime punishable by imprisonment exceeding one year.

This criminal complaint is based on these facts:

See Attachment A.

☒ Continued on the attached sheet.approved by
JUSK Kutzler
Complainant's signatureATF Special Agent Patrick Briody
Printed name and title

Sworn to before me and signed in my presence.

Date: 03/24/2015
Judge's signatureCity and state: McAllen, TexasU.S. Magistrate Judge Peter Ormsby
Printed name and title

ATTACHMENT A

I, Special Agent Patrick Briody, affiant, do hereby depose and state the following based on firsthand knowledge as well information relayed from other members of law enforcement:

1. I am a Special Agent of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. I have been so employed for five years.
2. My duties include the investigation of violations of the federal firearms laws. I know it to be unlawful for any person, who is a convicted felon, to possess a firearm that has traveled in interstate or foreign commerce.
3. On December 11, 2014, ATF agents assisted the Hidalgo County Sheriff's Office in serving a state search warrant at 422 El Gato Road, Alamo, Hidalgo County, in the Southern District of Texas which is a residence of Jose Antonio Lopez. During the search, investigators made contact with the owner of 416 El Gato Road, an adjacent property, who stated Lopez had been renting an apartment attached to the property. At that address investigators made contact with Monica Marie Lopez, the wife of Jose Lopez. Investigators smelled and observed marijuana in plain sight. Monica Lopez advised investigators that there were narcotics in the house and gave consent for the investigators to search.
4. During the search of 416 El Gato Road, investigators located approximately 77 pounds of marijuana in bundles, approximately 5 pounds of synthetic marijuana, and approximately 4.8 grams of cocaine. On top of the refrigerator, investigators located a gold and chrome 9mm Beretta pistol, Model 92F, serial number: 065129Z and 15 rounds of 9mm ammunition.

ATTACHMENT A

5. After being advised of his Miranda warnings, Jose Lopez waived those rights and agreed to be interviewed. Lopez stated that he and his family were renting the apartment at 416 El Gato Road and that the marijuana and Beretta pistol found there belonged to him. Lopez accurately described the firearm and stated it had been given to him by his father Jose Lopez. Lopez stated that he had not fired the pistol but that he had handled it.

6. Your affiant obtained a certified copy of Jose Lopez's March 6, 2008 felony conviction in case number CR-3897-05-I, in the 398th Judicial District of Hidalgo County, Texas for possession with intent to deliver a controlled substance; to-wit cocaine.

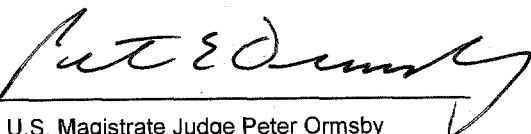
7. Your affiant obtained a report from Hidalgo County Sheriff's Office Crime Scene Investigator and print examiner Sandra Rangel who confirmed the incident arrest prints matched prints obtained at the time of Jose Lopez's arrest resulting in felony conviction.

7. Your affiant, a firearms interstate nexus expert, examined the aforementioned firearm and determined that the firearm was manufactured outside the state of Texas and therefore traveled in interstate commerce if found in Texas.

8. Based upon the previously stated facts, your affiant believes that Lopez has committed the following violation: Title 18 USC 922(g)(1): being a convicted felon in possession of a firearm affecting interstate and/or foreign commerce.


ATF Special Agent Patrick Briody

Sworn to before me and subscribed in my presence,


U.S. Magistrate Judge Peter Ormsby

03/24/2015